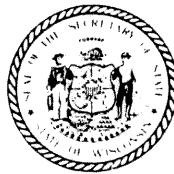


DOUGLAS LA FOLLETTE



SECRETARY OF STATE
WISCONSIN

January 5, 1998

The Honorable Anthony J. Staskunas
Wisconsin State Assembly
323 West - State Capitol

Dear Representative Staskunas:

As the office with oversight for all notaries public in the state of Wisconsin, I have some questions and concerns regarding Assembly Bill 661, relating to permanent notary public commissions for law enforcement officers. My first question is why the need to introduce legislation creating a new permanent notary public category for law enforcement officers? If there is a need for law enforcement officers to become notaries public, there is nothing now to stop them from doing so as regular four-year commissioned notaries public.

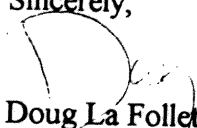
The current permanent category for attorneys has been fraught with problems from the beginning: People move and do not advise us of their new addresses. Signatures change over the years, and when we are asked to verify a signature with what we have on file and cannot, that causes inconvenience for the customers needing the documents (usually in a hurry). We are not always informed when attorneys leave the state, die, or are disbarred for whatever reason. What is to say that law enforcement officers, as busy as they are, will do any better at keeping their records with us up to date?

These problems can be and are avoided by the need to re-apply and be commissioned every four years. The cost and paperwork for the applicant are minimal. In addition, when notaries are required to renew their commissions every four years, we have the opportunity to update them on any new rules or regulations that might affect how they notarize documents, etc.

The office's legal counsel with the Department of Justice, Mr. Alan Lee, concurs with me in this position regarding permanent vs. four-year notaries, as well as the creation of a new permanent category as proposed by A.B. 661. (Mr. Lee has indicated his willingness to discuss this with you at your convenience.)

Although I am scheduled to be out of the state on January 7, please know that I or my staff welcome an opportunity to both clarify our position and to understand the need for this legislation. I thank you for your consideration and assistance in this matter.

Sincerely,


Doug La Follette
Secretary of State

Testimony Presented to the Assembly Committee on Government Operations
Wednesday, January 7, 1998

AB 661: Relating to permanent notary public commissions for law enforcement officers

Chairman Dobyns, Honorable Committee Members, Staff, and Guests:

My name is Juna Krajewski and I serve as Deputy in the Office of the Secretary of State. With me today is Ms. Marjorie Robb, who serves as Division Administrator overseeing the notary public records.

Although it would be our preference to come before you in an informational capacity only, the Office feels so strongly about AB 661 that we must take a position in opposition. It is our contention that this bill is both unwise and unnecessary.

Our experience in dealing with the existing permanent category of notaries public for attorneys that was created some years ago by the Legislature shows that this is a record keeping nightmare that has been fraught with problems from the beginning. People move and do not advise us of their new addresses. Signatures change over the years, and when we are asked to verify a signature against what we have on file and cannot, customers are inconvenienced and delays occur. We are not kept informed when attorneys leave the state, die, or are disbarred for whatever reason. What is to say that law enforcement officers, as busy as they are, will do any better at keeping their records with us up to date?

It is our position that these problems can be and are avoided by the need to re-apply and be commissioned under the existing four year notary program. The cost and paperwork for the applicant are minimal. In addition, when notaries are required to renew their commissions every four years, we have the opportunity to update them on any new rules or regulations that might affect how they notarize documents.

We are unaware of any other state that offers a permanent notary category for anyone without some sort of periodic renewal process. Finally, we are concerned that by creating this permanent notary public category for law enforcement officers, we are opening the door for further such categories to be considered and created.

Therefore, we ask that the committee reject AB 661 on the basis that notary commissions are currently available to all qualified individuals, including law enforcement officers.

We thank you, and welcome any questions that you might have.



ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

**Testimony of Rep. Tony Staskunas, 1997 AB-661
Assembly Government Operations Committee
January 7, 1998**

Mr. Chairperson and Members of the Assembly Government Operations Committee:

I am Representative Tony Staskunas of the 15th Assembly District, the author of Assembly Bill 661.

This proposal was introduced because law enforcement agencies periodically need someone to authenticate signatures and perform other responsibilities that require a notary public commission. It is difficult for them to find a notary when this need arises, particularly on night and weekend shifts when administrative personnel are off. This bill would give these agencies an opportunity to have someone carry out these functions on an "in-house" basis, thus avoiding possible inefficiencies.

This proposal allows (but does not require) law enforcement officers in the state to be permanent notary publics, just as attorneys currently are. Under the terms of the bill, the present \$50 fee would still have to be paid and the chief law enforcement officer of the political subdivision which employs the applicant would still need to execute the required \$500 bond. The officer must be in good standing with the Law Enforcement Standards Board. All other expenses in qualifying and supporting the officer as a notary would also have to be paid by the employing political subdivision.

I firmly believe that law enforcement agencies, which already have enough

-- More --

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Rep. Staskunas
Testimony on AB-661
January 7, 1998

administrative burdens, should not have to go through the trouble of renewing notary commissions. Within the bounds prescribed by the bill, which require payment of the fee and posting a bond, these agencies should have the same privileges that attorneys currently do.

It should be pointed out that if any officer who is a notary is de-certified, the bill requires the Law Enforcement Standards Board to file a notice of de-certification with the Secretary of State's office so the notary commission can be canceled. This is similar to the current situation for attorneys in which the Board of Attorneys Professional Responsibility notifies the Secretary of State when an attorney's license is surrendered, suspended or revoked (Section 137.01 (2) (c), Statutes).

Therefore, the Secretary of State will not be responsible for periodically checking the qualifications of these applicants. I have attempted to design this bill in such a way so it will help law enforcement agencies and be administratively feasible.

It should also be emphatically stated that it is not my intention to open the door so eventually other professional groups can become permanent notaries. I believe that taxpayer-supported law enforcement agencies are deserving of this consideration because of the nature of their work and the fact that administrative personnel are not present on some shifts. I simply feel that our police officers have more pressing things to do than to track down a notary at 2 o'clock in the morning.

Mr. Chairperson and committee members, I appreciate your kind attention today. I would be happy to answer any questions you may have.

-- End --

FISCAL ESTIMATE
DOA-2048 N(R10/94)☒ ORIGINAL ☐ UPDATED
☐ CORRECTED ☐ SUPPLEMENTAL

Subject

Relating to permanent notary public commissions for law enforcement officers.

Fiscal Effect

State: ☐ No State Fiscal EffectCheck columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.☒ Increase Costs - May be possible to Absorb
Within Agency's Budget ☒ Yes ☐ No☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☒ Decrease Existing Revenues
☐ Create New Appropriation☐ Decrease CostsLocal: ☐ No local government costs1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others _____
☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

PLEASE SEE ATTACHED NARRATIVE

Long-Range Fiscal Implications

Please see attached narrative

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

SOS/Juna G. Krajewski, 6-3470

6-8888

1/6/98

FISCAL NOTE ATTACHMENT FOR AB 661

- I. One-time Costs: Includes the costs incurred to develop and print appropriate application forms, bond forms, oath forms, as well as the revision and printing of new notary booklet for distribution; reprogramming of notary computer program; additional file space for new notary category; and updating and training of staff in the handling of new notary category.

Printing/Startup --	\$ 3500
Programming --	2000
Equipment --	1650
Training --	<u>100</u>
	\$7,250

II. Annualized Costs:

Since we have no idea how many of the 16,000 total law enforcement officers in the state currently are notaries or will apply to become permanent notaries if this bill is enacted, our figures are based upon the full 16,000.

Assuming that all 16,000 law enforcement officers work approximately 25 years before retiring, that would call for at least six renewals under the current four-year commission at \$20 per renewal for a total of \$1,920,000 in revenues for the state. Subtract from that figure the one-time permanent commission fee of \$50 for each of the 16,000 law enforcement officers as allowed under this bill and the state revenues would be reduced to \$800,000, **for a total loss of \$1,120,000.**

*Please Note: All estimates on this fiscal are based upon information supplied by the Justice Department that there are approximately 16,000 law enforcement officers in the state of Wisconsin.

(Local Costs: Cannot be determined by this office.)

Prepared by: Office of Secretary of State, January 6, 1998